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## UNITED STATES DEPARTMENT OF AGRICULTURE

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D.C.

## ADMINISTRATIVE ORDER

**In respect to Code Authorities and Supervisory Bodies under Marketing Agreements, Licenses, and Codes of Fair Competition**

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, and by the National Industrial Recovery Act, approved June 15, 1933, and by Executive orders of the President of the United States issued thereunder, the Secretary of Agriculture does hereby prescribe the following rules applicable to all marketing agreements, licenses, and all codes of fair competition coming within his jurisdiction, which contain provisions establishing code authorities, control committees, or any other supervisory committees or bodies (all of which are hereinafter referred to as "supervisory bodies"):

1. Where any such marketing agreement, license, or code of fair competition provides for the appointment of members of a supervisory body other than by general election, such appointment shall be in writing, signed by the person or persons empowered to make such appointment under the provisions of said marketing agreement, license, or code of fair competition. Each such written appointment shall be filed in quadruplicate with the Secretary of Agriculture.

2. Where any such marketing agreement, license, or code of fair competition provides for the selection of a supervisory body by general election, such election (except as otherwise provided in such marketing agreement, license, or code of fair competition) shall be conducted by such person or persons, upon such notice and in such manner as shall be arranged between representatives of the Agricultural Adjustment Administration and representatives of members of the industry or group covered by such marketing agreement, license, or code of fair competition.

3. Each supervisory body, at its organization meeting, shall designate one of its members as its secretary. Such secretary, within fifteen (15) days after his appointment, shall file, in quadruplicate, with the Secretary of Agriculture:

(a) A statement showing in detail that the members of the supervisory body (and their alternates, if any) were appointed and/or elected in accordance with the provisions of such marketing agreement, license, or code of fair competition, together with originals, certified as such by the Secretary, of all supporting papers and documents;

(b) The form of notice given for each election, and a statement of the time when and the manner in which such notice was given;

(c) The minutes of each such election, which shall include the names of the persons nominated, those elected, and the number of votes cast for each.

The secretary of the supervisory body shall, within fifteen (15) days after the appointment of any successor to a member of the supervisory body, file in quadruplicate, with the Secretary of Agriculture, the documents pertaining to such appointment and/or election, similar to those required in the above subdivisions (a), (b), and (c) of this paragraph.

4. Any interested person shall have the right to file with the Secretary within fifteen (15) days after the date any such members of any supervisory body have been elected and/or appointed, a protest based upon the grounds:

(a) That such election and/or appointment was not in accordance with the provisions of such marketing agreement, license, or code of fair competition; and/or

(b) That such election was not held in such manner as to afford such person a reasonable opportunity to participate therein.

5. In the event the Secretary shall find such protest is well founded, and that such members of the supervisory body were improperly elected and/or appointed, he shall direct a reelection and/or reappointment. The members selected at such reelection and/or reappointment shall forthwith replace the members whose election and/or appointment was found improper: *Provided, however,* That all prior acts of the members first selected shall be valid and binding as to all persons other than those who have filed such protest. In the event that the Secretary shall find such protest without merit, he shall deny the same. A notice of any such denial by the Secretary shall be mailed by the Chief Hearing Clerk (on behalf of the Secretary) to the person filing such protest.

In the event that a reelection and/or reappointment has been directed by the Secretary, the secretary of the supervisory body shall, within fifteen (15) days after such reelection and/or reappointment conform to the requirements of paragraph 3 hereof with respect to such new member or new members.

6. Except as otherwise authorized by the Secretary, or as otherwise required under the terms of such marketing agreement, license, or code of fair competition, each supervisory body, within fifteen (15) days after it has held any meeting, issued any order, or performed any other act pursuant to its powers, shall file with the Secretary of Agriculture, four copies of the minutes of each such meeting and/or of each such order or other act, certified as correct by the secretary of such supervisory body. All minutes shall state the members of the supervisory body who were present and the number voting in favor of each such order or other act.

7. The Secretary may name any person, including any officer or employee of the Government, to act as his agent or representative in connection with any of the provisions of this Administrative Order.

8. All written documents required by the foregoing to be sent to the Secretary shall be forwarded by mail and addressed to the Secretary of Agriculture, care of the Chief Hearing Clerk, Agricultural Adjustment Administration, Washington, D.C. All documents and notices which may be required by the foregoing to be sent to members of the industry shall be mailed to the last-known address of the members of the industry to whom such documents or notices are being sent.

9. The Chief Hearing Clerk shall promptly, upon receipt of any document or notice filed pursuant to the foregoing, forward a copy of the same to the Commodity Section Chief in charge of the particular marketing agreement, license, or code of fair competition, pursuant to and under which such document or notice has been filed.

10. All papers and documents filed with the Secretary of Agriculture as provided above shall be available at the office of the Chief Hearing Clerk of the Agricultural Adjustment Administration at Washington, D.C., for public inspection upon the filing thereof. Any person desiring a copy of any such paper or document shall be entitled to the same upon application to the Chief Hearing Clerk and upon payment of the reasonable cost thereof.

*In witness whereof,* the Secretary of Agriculture has executed this Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 25th day of May 1934.

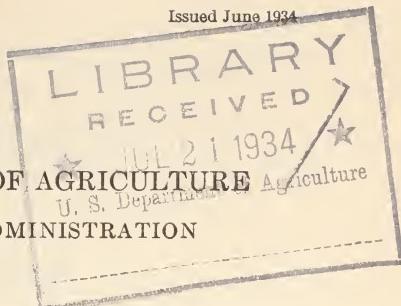


*R. G. Tugwell*

Acting Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D.C.



**AMENDMENT OF ADMINISTRATIVE ORDER**

**In respect to Code Authorities and Supervisory Bodies Under Marketing Agreements, Licenses, and Codes of Fair Competition**

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, and by the National Industrial Recovery Act, approved June 15, 1933, and by Executive orders of the President of the United States issued thereunder, the Secretary of Agriculture does hereby amend Administrative Order No. 1, executed by him May 25, 1934, by adding after the end of paragraph numbered 10 the following paragraph:

"11. None of the rules prescribed in the paragraphs numbered 1, 2, 4, and 5 of this Administrative Order shall be applicable to Code Authorities, Control Committees, or other supervisory committees or bodies created pursuant to the provisions of any code of fair competition."

*In witness whereof, the Secretary of Agriculture has executed this Amendment of Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 28th day of June 1934.*



*Hawallace*  
*Secretary of Agriculture.*

70550—34



Issued February 27, 1935

U. S.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
WASHINGTON, D. C.

ADMINISTRATIVE ORDER

In respect to elections of Supervisory Bodies under Marketing Agreements and Licenses

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, the Secretary of Agriculture does hereby supersede Administrative Order No. 1, executed by the Secretary on May 25, 1934, as amended on June 28, 1934, and does hereby prescribe the following rules applicable to all marketing agreements and licenses, executed pursuant to said Act, which contain provisions establishing control committees, or any other supervisory committees or bodies (all of which are hereinafter referred to as "supervisory bodies"):

1. **Selection by Appointment.**—Where any such marketing agreement and/or license provides for the appointment of members of a supervisory body other than by general election, such appointment shall be in writing, signed by the person or persons empowered to make such appointment under the provisions of said marketing agreement and/or license. Each such written appointment shall be executed in quintuple.

2. **Selection by Election.**—Where any such marketing agreement or license provides for the selection of a supervisory body by general election, such election (except as otherwise provided in said marketing agreement and/or license) shall be conducted by such person or persons, upon such notice and in such manner, as shall be arranged between representatives of the Agricultural Adjustment Administration and representatives of members of the industry or group covered by such marketing agreement and/or license.

3. **Documents to be Mailed to Section Chief.**—Each supervisory body, at its organization meeting, shall select a secretary. Such secretary, within fifteen (15) days after his appointment, shall mail in quintuple to the Chief of the Commodity Section of the Agricultural Adjustment Administration in charge of such marketing agreement or license:

(a) A statement showing in detail that the members of the supervisory body (and their alternates, if any) were appointed and/or elected in accordance with the provisions of such marketing agreement and/or license, together with originals, certified as such by the secretary, of all supporting papers and documents;

(b) The form of notice given for each election, and a statement of the time when and the manner in which such notice was given;

(c) The minutes of each such election, which shall include the names of the persons nominated, those elected, and the number of votes cast for each;

(d) All written appointments executed pursuant to section 1 of this order.

The secretary of the supervisory body shall, within fifteen (15) days after the appointment of any successor to a member of the supervisory body, mail to said chief of the commodity section the documents pertaining to such appointment and/or election, similar to those required in the above subdivisions (a), (b), (c), and (d) of this paragraph.

**4. Protests against Elections or Appointments.**—Any interested person shall have the right to file with the Secretary within fifteen (15) days after the date any such members of any supervisory body have been elected and/or appointed, a protest based upon the grounds:

(a) That such election and/or appointment was not in accordance with the provisions of such marketing agreement and/or license; and/or

(b) That such election was not held in such manner as to afford such person a reasonable opportunity to participate therein.

**5. Procedure as to Protests.**—In the event the Secretary shall find such protest is well founded, and that such members of the supervisory body were improperly elected and/or appointed, he shall direct a reelection and/or reappointment. The members selected at such reelection and/or reappointment shall forthwith replace the members whose election and/or appointment was found improper: *Provided, however,* That all prior acts of the members first selected shall be valid and binding as to all persons other than those who have filed such protest. In the event that the Secretary shall find such protest without merit, he shall deny the same. A notice of any such denial by the Secretary shall be mailed by the Chief of the Commodity Section in charge of the marketing agreement and/or license (on behalf of the Secretary) to the person filing such protest.

In the event that a reelection and/or reappointment has been directed by the Secretary, the secretary of the supervisory body shall, within fifteen (15) days after such reelection and/or reappointment conform to the requirements of paragraph 3 hereof with respect to such new member or new members.

**6. Agents of Secretary.**—The Secretary may name any person, including any officer or employee of the Government, to act as his agent or representative in connection with any of the provisions of this Administrative Order.

**7. Notices.**—All documents and notices which may be required by the foregoing to be sent to members of the industry shall be mailed to the last known address of the members of the industry to whom such documents or notices are being sent.

**8. Section Chief to file documents with Chief Hearing Clerk.—**  
 The Chief of the Commodity Section of the Agricultural Adjustment Administration receiving any document complying with the provisions of this Order, shall promptly file at least one copy of such document in the Office of the Chief Hearing Clerk of the Agricultural Adjustment Administration at Washington, D. C., where such document shall be available for public inspection.

**9. Certified copies.—**Any person shall be entitled to a copy of any document filed in the Office of the Chief Hearing Clerk of the Agricultural Adjustment Administration, pursuant to section 8, upon application to the Chief Hearing Clerk and upon payment of the reasonable cost thereof.

**10. Notice of this Order.—**A copy of this Administrative Order shall be forwarded by registered mail to every supervisory body functioning at the date hereof and shall be supplied to every supervisory body established pursuant to a marketing agreement and/or license which may hereafter become effective. This Administrative Order shall apply to all supervisory bodies heretofore or hereafter established.

*In witness whereof,* the Secretary of Agriculture has executed this Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 23rd day of February 1935.



*H. A. Wallace*  
*Secretary of Agriculture.*



UNITED STATES DEPARTMENT OF AGRICULTURE  
U. S. Department of Agriculture

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D.C.

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U. S. Department of Agriculture

## ADMINISTRATIVE ORDER

### In respect to Collection of Assessments under Marketing Agreements and Licenses

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, the Secretary of Agriculture does hereby prescribe the following rules applicable to all marketing agreements and licenses which contain provisions requiring the Control Committee to submit to the Secretary for his approval an itemized budget of its estimated expenses and an equitable basis upon which funds necessary to support such budget shall be contributed by members of the industry subject to such marketing agreement and license:

1. The Control Committee shall submit such budget and basis for contribution to the Secretary for tentative approval.

2. After the tentative approval by the Secretary of such budget and such basis for contribution, the Control Committee shall forward to each known member of the industry a notice which shall include—

- (a) A copy of such budget so tentatively approved by the Secretary;
- (b) A statement of such basis for contribution so tentatively approved by the Secretary;
- (c) A statement of the rights of such member of the industry of protest and appeal as hereinafter set forth.

The Control Committee shall furnish to the Secretary a copy of the form of notice forwarded by it to the members of the industry, together with a statement listing the persons to whom such notice has been sent, certified as correct by the secretary of the Control Committee.

3. Each member of the industry shall have the following rights of protest and appeal in respect to such contributions:

(a) To file with the Secretary, within fifteen (15) days after the date of such notice, a protest based upon the grounds:

- (1) That such budget of estimated expenses is excessive or inadequate in whole or in part, and/or
- (2) That such basis of contribution is inequitable as applied to such member of the industry; and/or

(b) To file with the Control Committee, within fifteen (15) days after the date of such notice, a protest based upon the ground that such basis of contribution is not being followed by the Control Committee with respect to such member of the industry; and in the event that such protest is overruled by the Control Committee, to appeal to the Secretary upon the same ground, within ten (10) days after such protest is overruled by the Control Committee.

4. No member of the industry shall be deemed to be in violation of such marketing agreement and license by reason of the nonpayment thereof, unless a notice in substantial compliance with this Order has been forwarded to such member, nor until any protest or appeal filed by such member of the industry as hereinabove provided has been denied by the Control Committee or the Secretary, as the case may be, nor until such budget and basis of contribution or any modification of the same have been finally approved by the Secretary.

5. The tentative approval by the Secretary of such budget and basis of contribution shall become final—

(a) In the event that no protest is filed with the Secretary pursuant to paragraph 3 (a) of this Order within such fifteen (15) day period, then upon the expiration of such period; or

(b) In the event that any protest is filed with the Secretary pursuant to paragraph 3 (a) of this Order within such period, then upon the denial by the Secretary of all protests so filed, a notice of such denial by the Secretary shall be filed by the Chief Hearing Clerk, by registered mail (on behalf of the Secretary), to the person filing such protest.

The Secretary may, however, at any time, after notification to the Control Committee, withdraw his approval of such budget and/or basis of contribution in whole or in part, and may at any time modify such budget and/or basis of contribution in whole or in part, and may in connection with such modification require the Control Committee to forward to members of the industry such further notice as the Secretary deems necessary: *Provided*, That such action on the part of the Secretary shall not in any way affect or waive (a) any obligations, on the part of the members of the industry which shall have become due at such time, to pay assessments, or (b) any obligations incurred or expenditures made by the Control Committee prior to such action.

6. The Secretary may name any person, including any officer or employee of the Government, to act as his agent or representative in connection with any of the provisions of this Administrative Order.

7. All written documents required by the foregoing to be sent to the Secretary shall be forwarded by mail and addressed to the Secretary of Agriculture, care of Chief Hearing Clerk, Agricultural Adjustment Administration, Washington, D.C. All documents and notices which may be required by the foregoing to be sent to members of the industry shall be mailed to the last known address of the members of the industry to whom such documents or notices are being sent. All protests, notices or documents which are either required or permitted by the foregoing to be sent by any member of the industry to the Control Committee, shall be sent by registered mail properly addressed.

8. The Chief Hearing Clerk shall promptly, upon receipt of any protest filed pursuant to paragraph 3 (a) hereof, forward the same to the Commodity Section Chief in charge of the particular marketing agreement or license.

*In witness whereof*, the Secretary of Agriculture has executed this Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 25th day of May, 1934.



*R. G. Tugwell*

*Acting Secretary of Agriculture.*

## UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D.C.

**ADMINISTRATIVE ORDER (AS AMENDED)****Relating to Hearings with Respect to the Issuance and Amendments of Licenses**

[NOTE.—This Administrative Order includes Amendment No. 1, issued July 31, 1934, which is to be in full force and effect until amended and superseded. The amendment to subsection (c), section 100, article I, is displayed in italics.]

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, the Secretary of Agriculture does hereby prescribe the following rules relating to hearings with respect to the issuance and amendments of licenses pursuant to section 8 (3) of the aforesaid Act:

**ARTICLE I—DEFINITIONS**

**SECTION 100.** As used in this Order:

(a) The term "Act" means the Agricultural Adjustment Act, approved May 12, 1933, as amended.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "license" means any license to be issued after the effective date of this Administrative Order, pursuant to section 8 (3) of the Act: *Provided, however, That such term shall not be deemed to include:*

(1) *Any license issued within ten days after the effective date of this Administrative Order; or*

(2) *Any license in which connection a hearing has been held on a proposed marketing agreement pursuant to applicable General Regulations of the Agricultural Adjustment Administration, which proposed marketing agreement contained provisions substantially similar to the provisions of the proposed license.*

**ARTICLE II—HEARINGS WITH RESPECT TO THE ISSUANCE OF LICENSES PURSUANT TO SECTION 8, SUBSECTION 3 OF THE ACT**

**SECTION 200.** Whenever the Secretary shall determine that there is reasonable cause to believe that pursuant to section 8 (3) of the Act it is necessary in order to effectuate the declared purposes of the Act to issue licenses in accordance with and pursuant to General Regulations of the Agricultural Adjustment Administration, Series 4, Revision 1, and any amendments or revisions thereof, the Secre-

tary shall give due notice and opportunity for hearing to interested parties as provided hereinafter in this article. In the event that a hearing on a marketing agreement, pursuant to applicable General Regulations of the Agricultural Adjustment Administration, is to be held concerning the same agricultural commodities or products thereof with respect to which the Secretary has made the aforesaid determination, the Secretary may give due notice and opportunity for hearing to interested parties pursuant to this Order simultaneously with notice and opportunity for hearing given pursuant to the applicable General Regulations relating to hearings with respect to marketing agreements.

SEC. 201. Notice shall be given with respect to any such proposed hearing of the subject matter, time, and place of such hearing:

(a) By posting a copy of a written notice thereof on the official bulletin board or boards in the main building of the Department of Agriculture, Washington, D.C.; and

(b) By issuing press releases which shall indicate the industry and/or area covered by the contemplated license and the date and place of hearing, and which shall give information as to the place, if any, where copies of the contemplated license may be obtained; and

(c) By forwarding copies of such notice addressed to such Governors of the several States of the United States and to such executive heads of the Territories and possessions of the United States as the Secretary or his duly authorized agent, having due regard for the subject matter of such proposed hearing and the public interest, shall determine should be notified.

SEC. 202. Such notice of hearing shall be given at least ten days prior to the date of hearing set forth in said notice unless the Secretary shall determine that an emergency requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

SEC. 203. Except in the case of a hearing held simultaneously with a hearing on a marketing agreement, no hearing shall be held with respect to the issuance of any license unless a tentative form of such license has been reduced to writing and filed in the office of the Chief Hearing Clerk of the Agricultural Adjustment Administration, Department of Agriculture, Washington, D.C. Copies of any such tentative form which have been filed as aforesaid shall be available to the public in the office of the Chief Hearing Clerk from the date when the notice with respect to such hearing is given and shall be available at the hearing held with respect to the issuance of such license.

SEC. 204. Every such hearing shall be conducted by a Presiding Officer, who shall be the Secretary or such officer or employee of the Department of Agriculture as the Secretary may designate in writing, and any such designation may be made or revoked by the Secretary at any time before any hearing. Such hearing shall be conducted in the manner to be determined by the Presiding Officer, and such Presiding Officer, by virtue of his appointment as such, shall, subject to the provisions of the Act and applicable regulations

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NOTE.—Sections of this Order are numbered to correspond to the numbers of the articles. Thus, the first section of the first article is section 100; the first section of the second article is section 200.

issued pursuant thereto, be deemed to be an officer duly authorized by the Secretary for the purposes and within the purview of section 400 of General Regulations, Series 1, Revision 1, as amended, and shall have all the powers granted to such officer.

SEC. 205. Such hearing shall be held at the time and place set forth in the notice of hearing and may at such time and place be continued from day to day or adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the Presiding Officer.

SEC. 206. All persons desiring to testify in any such hearing or to file written statements or written arguments in connection therewith, shall before or at the opening of such hearing cause their names to be filed with the Chief Hearing Clerk or with an Assistant Hearing Clerk present at such hearing who shall be designated by the Presiding Officer. Any person who has not caused his name to be filed shall not be entitled to be heard or to file written statements or written arguments unless the Presiding Officer, in his discretion, shall permit the later filing of names in cases in which in his judgment the public interest so requires.

SEC. 207. At such hearing the following shall be the order, or method, of the proceedings unless the Presiding Officer shall, in his discretion, determine a different order, or method, of procedure:

(a) If such hearing is held simultaneously with a hearing on a proposed marketing agreement, the procedure prescribed in Sec. 207 of General Regulations, Series 1, Revision 1, as amended, shall be followed, but in addition thereto:

(1) Persons in favor of the issuance of any license covering such persons and commodities or products shall be heard on the question of whether any such license should be issued.

(2) Persons opposing the issuance of any such license will then be heard. No testimony will be permitted at this stage of the proceedings as to any specific provisions of the contemplated license.

(3) Persons will then be heard with respect to specific terms and conditions of the license, and may suggest additions, alterations, or modifications thereof, but any such suggested additions, alterations, or modifications must be submitted in writing at such time. Persons may, however, in the discretion of the Presiding Officer, be heard with respect to specific terms and conditions of such contemplated license and may suggest additions, alterations, or modifications as herein provided at the same time that similar specific provisions of the proposed marketing agreement are being discussed.

(b) In the event that such hearing is not held simultaneously with a hearing on a proposed marketing agreement:

(1) The Presiding Officer shall cause the contemplated license in tentative form to be read without argument or comment.

(2) Persons in favor of the issuance of any license covering such persons and commodities or products shall be heard on the question of whether any such license should be issued.

(3) Persons opposing the issuance of any such license will then be heard. No testimony will be permitted at this stage of the proceedings as to any specific provisions of the contemplated license.

(4) Persons will then be heard with respect to specific terms and conditions of the license, and may suggest additions, alterations,

or modifications thereof, but any such suggested additions, alterations, or modifications must be submitted in writing at such time.

SEC. 208. (a) Testimony given at such hearings shall be reported verbatim. All written statements or written arguments shall be typewritten, mimeographed, or printed, and filed in triplicate. As soon as practicable after the conclusion of each such hearing, the original, correct, stenographic report of testimony given at such hearing and each such written statement or written argument, certified by the Presiding Officer, shall be filed in the office of the Chief Hearing Clerk, together with two copies thereof.

(b) All oral or written statements concerning matters of fact shall be submitted upon oath.

SEC. 209. (a) Such hearings shall be concluded within such time as the Presiding Officer shall determine, after which time no oral testimony will be taken, but written statements or written arguments, in the form prescribed by section 208, may be filed with the Chief Hearing Clerk within such time thereafter, and upon such terms as the Presiding Officer may designate. A copy of such written statements and written arguments shall be available for public inspection at the office of the Chief Hearing Clerk upon the filing thereof.

(b) Any person desiring a copy of the transcript of the testimony or of any filed written statement or written argument shall be entitled to the same upon application to the Chief Hearing Clerk and upon payment of the reasonable cost thereof.

SEC. 210. As soon as practicable after the conclusion of any such hearing, the Chief Hearing Clerk shall transmit to the Secretary the original record thereof, and the Secretary on the basis of such record may find:

(a) That due notice and opportunity for hearing with respect to the issuance of license and with respect to the terms and provisions thereof have been afforded interested parties; and

(b) That it is necessary in order to effectuate the purpose of the Act to issue a license, pursuant to section 8 (3) of the Act, permitting processors, associations of producers, and others to engage in the handling, in the current of interstate or foreign commerce, of the agricultural commodities or products thereof, or competing commodities or products thereof, covered by such license; and

(c) That the license to be issued is in accordance with the provisions of section 8 (3) of the Act and tends to effectuate the purposes of the Act.

SEC. 211. Whenever, pursuant to such findings of the Secretary a license is issued pursuant to and in accordance with applicable General Regulations of the Agricultural Adjustment Administration, a copy of such license shall be filed in the office of the Chief Hearing Clerk and shall be available for public inspection, and copies thereof shall be available for public distribution.

### ARTICLE III—HEARINGS WITH RESPECT TO AMENDMENTS TO LICENSES

SECTION 300. The Secretary may, from time to time, amend any license, provided that after the effective date hereof, unless the Secretary shall find that the subject matter was included within the scope

of the hearing theretofore held pursuant to General Regulations or Administrative Orders of the Agricultural Adjustment Administration, due notice and opportunity for hearing to interested parties shall be given in accordance with the provisions of this Administrative Order, or upon the effective date thereof, in accordance with the provisions of General Regulations, Series 9.

*In witness whereof*, the Secretary of Agriculture has executed this Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 30th day of July 1934.



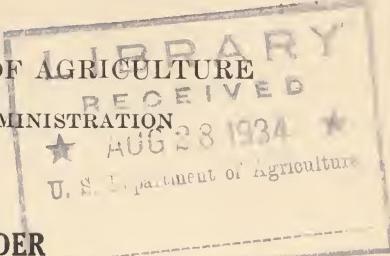
*H. Wallace*  
*Secretary of Agriculture.*







UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL ADJUSTMENT ADMINISTRATION  
 WASHINGTON, D.C.



## ADMINISTRATIVE ORDER

### Relating to Amendments of Marketing Agreements

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, the Secretary of Agriculture does hereby prescribe the following rules with respect to amendments of marketing agreements entered into pursuant to section 8 (2) of the aforesaid Act:

#### ARTICLE I—DEFINITIONS

SECTION 100. As used in this Order:

- (a) The term "Act" means the Agricultural Adjustment Act, approved May 12, 1933, as amended.
- (b) The term "Secretary" means the Secretary of Agriculture of the United States.
- (c) The term "Marketing Agreement" means any Marketing Agreement entered into pursuant to section 8 (2) of the Act.

#### ARTICLE II—AMENDMENTS TO MARKETING AGREEMENTS

SECTION 200. The Secretary may, in accordance with the provisions of any marketing agreement, execute and approve an amendment thereto: *Provided*, That, after the effective date hereof, unless the Secretary shall find that the subject matter of such amendment was included within the scope of a hearing theretofore held upon such marketing agreement pursuant to the General Regulations of the Agricultural Adjustment Administration, due notice and opportunity for hearing to interested parties shall be given in accordance with the provisions of General Regulations, Series 1, Revision 1, as now and hereafter amended.

*In witness whercof*, the Secretary of Agriculture has executed this Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 30th day of July, 1934.



*H. Wallace*  
*Secretary of Agriculture.*

NOTE.—Sections of this Order are numbered to correspond to the numbers of the articles. Thus, the first section of the first article is section 100; the first section of the second article is section 200.





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**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**AGRICULTURAL ADJUSTMENT ADMINISTRATION**

WASHINGTON, D. C.

FEB 27 1935

**ADMINISTRATIVE ORDER**

**Interpreting Executive Order No. 6606-A Insofar as it applies to the Allowance of Brokerage Commissions to Cooperative Organizations**

By virtue of the authority vested in the Secretary of Agriculture by the National Industrial Recovery Act, approved June 15, 1933, and by Executive Orders of the President of the United States issued thereunder, the Secretary of Agriculture, for the purpose of clarifying the provisions of Executive Order Number 6606-A, dated February 17, 1934, and to effectuate the policies of Title I of the National Industrial Recovery Act, does hereby order that:

Pursuant to Executive Order No. 6606-A, dated February 17, 1934, no provision of any Code of Fair Competition heretofore or hereafter approved under said Title of said Act, over the trade practice provisions of which I have jurisdiction pursuant to Executive Orders, shall be so construed or applied as to make it a violation of any such code for any member of any industry to pay or allow a brokerage commission to any bona fide and legitimate cooperative organization performing services or engaged in functions for which other persons may properly be paid such a commission. In determining whether a cooperative organization is performing such services and functions no cognizance shall be taken of the fact that the said cooperative organization will distribute its actual earnings, whether acquired in the form of brokerage commissions or otherwise, to its members in the form of patronage dividends, notwithstanding also the fact that the members who in due course may receive a part of said brokerage commission as a patronage dividend may be the purchasers of the product or service in connection with which the said commission was realized.

*In witness whereof*, the Secretary of Agriculture has executed this Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of December, 1934.



*Hawallace*

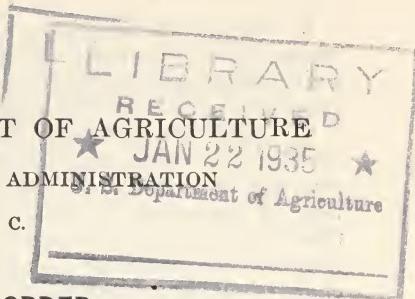
*Secretary of Agriculture.*



## UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

**ADMINISTRATIVE ORDER****Definition of Farmers' and Consumers' Cooperatives**

Pursuant to the National Industrial Recovery Act, approved June 15, 1933, by virtue of the authority vested in the Secretary of Agriculture, and by Executive Orders of the President of the United States issued thereunder, the Secretary of Agriculture for the purpose of clarifying the provisions of Executive Order number 6606-A, dated February 17, 1934, and to effectuate the policies of Title I of the National Industrial Recovery Act, does hereby order that:

In any Code of Fair Competition operating under the terms of the National Industrial Recovery Act, over the trade practice provisions of which I have jurisdiction pursuant to Executive Orders, a cooperative organization, as determined by the Secretary of Agriculture, to be entitled to the benefits and protection of Executive Order numbered 6355 of October 23, 1933, as supplemented and amplified by Executive Order number 6606-A of February 17, 1934, as a bona fide and legitimate cooperative organization, must comply with the following conditions, limitations and restrictions:

1. Be duly organized under the laws of any state, territory or the District of Columbia.

2. Allow to each member owning one fully paid share or membership one vote and only one in the determination of matters affecting the management of the organization, except as otherwise provided by the law under which such organization is incorporated; provided that a central or regional cooperative association, the membership of which is composed of cooperative associations, may provide in its by-laws for voting based upon the volume of business done by the members with the central or regional cooperative, or on the number of members in the member association.

3. Operate on a cooperative basis for the mutual benefit of its members, and all income, after providing for reasonable and adequate surplus and reserves, as determined by its Board of Directors, and payment of dividends on stock or membership capital of not to exceed eight (8) per centum per annum, cumulative, shall be distributed to members or shareholders on the basis of patronage at stated periods but not more frequently than semi-annually.

4. Transact business with and for and on behalf of, nonmembers to an amount not greater in value, during any fiscal year, than the business transacted with and for and on behalf of, members during the same period.

(1)

5. Permit all members and stockholders to have access to the records for the purpose of determining the salary and compensation paid officers and employees, and that no salaries or commissions are paid except for services actually rendered.

6. Distribute patronage dividends equally to all members, and/or stockholders, who have complied with membership requirements, in proportion to their purchases, and/or sales; may permit accumulation of patronage dividends on non-member business until it equals the value of a share of stock when same shall be issued; does not distribute such dividend in the form of a refund at the time of purchase; and does not evidence any such dividends by any agreement or representation to distribute any definite or specified dividend.

7. Refuse to allow or permit any organizer or organizers to take more than 3 per cent of the capital raised as compensation for their organization services.

8. Conduct its affairs in the interests of the members, and no cooperative shall be controlled or managed by any non-cooperative organization or organizations, person or persons to whom any surplus savings or profits or any excessive or unreasonable compensation for services, are paid; and shall not by contracts, agreements, provisions or by-laws or articles of incorporation or otherwise be required to buy commodities from a specified non-cooperative concern.

9. Operate in accordance with the various Codes of Fair Competition for the industries in which they operate and as provided in the Executive Orders above referred to.

In case any of the foregoing conditions, limitations or restrictions are in specific conflict with the cooperative law of any state, territory, or the District of Columbia, such conditions, limitations or restrictions are waived as to cooperatives organized and operating under such law.

*In witness whereof*, the Secretary of Agriculture has executed this Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of December, 1934.



*Hawallace*

*Secretary of Agriculture.*

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
WASHINGTON, D. C.

*RS*  

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ADMINISTRATIVE ORDER

In respect to Acts of Code Authorities and Supervisory Bodies under Marketing Agreements, Licenses and Codes of Fair Competition

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act, approved May 12, 1933, as amended, and by the National Industrial Recovery Act, approved June 15, 1933, and by executive orders of the President of the United States, the Secretary of Agriculture does hereby supersede paragraph 6 of Administrative Order No. 1, executed by the Secretary on May 25, 1934, and does hereby prescribe the following rules applicable to all codes of fair competition, marketing agreements and licenses containing provisions establishing code authorities, control committees, or other supervisory committees or bodies, including sub-committees, or other agencies thereof (all of which are hereinafter referred to as "supervisory bodies"):

1. **Execution of Orders.**—Every order or other act of any supervisory body shall be in writing signed by the chairman or the secretary of such supervisory body, or by such other person as may be designated by written order signed by the chairman and the secretary of such body.

2. **Minutes of Meetings.**—Minutes shall be kept of every meeting of each supervisory body which shall include a complete and accurate record of all action taken at such meeting. Such minutes shall be signed by the chairman or the secretary of the supervisory body, or by such other person as may be designated by written order signed by the chairman and the secretary of such body.

3. **Rules and Regulations.**—The rules and regulations governing the conduct and procedure of the supervisory body, and any amendments thereto, shall be in writing signed by the chairman, or the secretary of such supervisory body, or by such other person as may be designated by written order signed by the chairman and the secretary of such body.

4. **Documents to be Available for Public Inspection.**—(a) Each supervisory body shall establish and maintain an office at which there shall be permanently filed and available for public inspection:

a. The original of every order or other act of the supervisory body executed in accordance with section 1, which shall be filed within three days after such order or other act is made.

b. The original minutes of each meeting of the supervisory body executed in accordance with section 2, which shall be filed within three days after such meeting is held.

c. The original of all rules and regulations governing the conduct and procedure of the supervisory body, including any amendments thereto, executed in accordance with section 3, which shall be filed within three days after such rules or regulations, or such amendments, are adopted.

(b) All documents so filed shall be kept at the said office in the custody of the secretary of the supervisory body, or of such other person as shall be designated as custodian by written order of the supervisory body, signed by its chairman and secretary.

**5. Copies to be Mailed to Section Chiefs.**—At the time any document is filed in the office of the supervisory body in accordance with section 4, the secretary of the supervisory body, or the custodian designated by it, shall deposit five copies thereof in the mails addressed to the Chief of the Commodity Section of the Agricultural Adjustment Administration in charge of the code of fair competition, marketing agreement or license involved. Upon each of such copies the secretary or other custodian, as the case may be, shall execute a certificate certifying that it is a true and correct copy of an original on file in his custody in the office of the supervisory body.

**6. Section Chief to File Documents with Chief Hearing Clerk.**—The chief of the commodity section of the Agricultural Adjustment Administration receiving any document complying with the provisions of this order, shall promptly file such document in the Office of the Chief Hearing Clerk of the Agricultural Adjustment Administration at Washington, D. C., where such document shall be available for public inspection.

**7. Certified Copies.**—Any person shall be entitled to a copy of any document filed in the office of the Chief Hearing Clerk of the Agricultural Adjustment Administration pursuant to section 6, upon application to the Chief Hearing Clerk and upon payment of the reasonable cost thereof.

**8. Notice of this Order.**—A copy of this Administrative Order shall be forwarded by Registered Mail to every supervisory body functioning at the date hereof and shall be supplied to every supervisory body established pursuant to a marketing agreement, license or code coming within the jurisdiction of the Secretary of Agriculture which may hereafter become effective. This Administrative Order shall apply to all supervisory bodies heretofore or hereafter established.

*In witness whereof, the Secretary of Agriculture has executed this Administrative Order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 23rd day of February 1935.*



*Haw Wallace*

*Secretary of Agriculture.*